

KELLY & RUBIN, LLP.
ATTORNEYS AT LAW

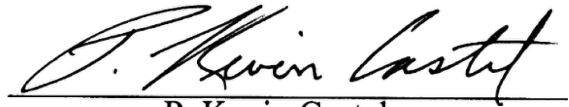
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July 15, 2020

The federal and state malicious prosecution claims are deemed withdrawn with prejudice in the face of the defendants' summary judgment motion. (Doc. 79) is terminated as moot.

SO ORDERED.
Dated: 7/15/2020

Honorable P. Kevin Castel
United States Courthouse
500 Pearl Street, Room 11D
New York, New York 10007


P. Kevin Castel
United States District Judge

Via ECF

Re: **Rivera v. City and FJC**
18-cv-09517(PKC)

Your Honor:

We represent the plaintiff, Victor Rivera in the above referenced matter.

I am writing the court with regard to the defendants' recently filed motion seeking partial summary judgment dismissing the state and federal malicious prosecution claims.

I have reviewed the defendants' arguments and the applicable caselaw for both our federal and state law malicious prosecution claims. I have come to the conclusion that there is no good faith argument to either reverse, extend or modify the existing law in this circuit, or New York State especially as it relates to "favorable termination".

Accordingly, the plaintiff respectfully seeks consent from the court to withdraw our causes of action for malicious prosecution under both federal and state law.

Very truly yours,

KELLY & RUBIN, LLP.

s/ Michael F. Rubin

Michael F. Rubin, Esq. (0697)

VIA ECF

cc: Adria Jasmine Bonillas, Esq.